

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:04-CR-211-1-BO

UNITED STATES OF AMERICA

v.

DAVID A. PASSARO

**NOTICE TO COURT**

Pursuant to the Court's instructions during the Motion hearing on December 16, 2005, the attorneys from the Federal Public Defender's Office and Clint Rudisill met with Mr. Passaro after the hearing to discuss who should be lead counsel herein. It was agreed by everyone, including Mr. Passaro, that the Federal Public Defender's Office would continue to be lead counsel, with Mr. Rudisill being secondary counsel.

The undersigned counsel, will continue to be lead counsel for the Federal Public Defender's Office and it is suggested that all documents be served upon Mr. McNamara and Mr. Rudisill. When oral communication is necessary it is suggested that Mr. McNamara or Joe Gilbert be contacted. It is anticipated that Mr. Gilbert will be the lead counsel during the trial, with Mr. Rudisill as second chair and Joe Craven as third chair. Mr. McNamara and Jay Todd will assist the other attorneys during the trial.

Respectfully submitted this 21<sup>st</sup> day of December, 2005.

/s/ Thomas P. McNamara  
THOMAS P. McNAMARA  
Federal Public Defender  
North Carolina Bar No. 5099

*CERTIFICATE OF SERVICE*

\_\_\_\_\_ I HEREBY CERTIFY that a copy of the foregoing was served upon:

JAMES A. CANDELMO  
Assistant United States Attorney  
Suite 800, Federal Building  
310 New Bern Avenue  
Raleigh, NC 27601-1461

CLINTON LOUIS RUDISILL  
439 Westwood S/C; No. 105  
Fayetteville, NC 28314

by electronically filing the foregoing with the Clerk of Court using the CM/ECF system; and to

DAVID A. PASSARO  
c/o Wake Co. Jail  
P. O. Box 2419  
Raleigh, NC 27602

by first class mail.

This the 21<sup>st</sup> day of December, 2005.

/s/ Thomas P. McNamara  
THOMAS P. McNAMARA  
Federal Public Defender  
North Carolina Bar No. 5099